

1  
2  
3 **UNITED STATES BANKRUPTCY COURT**  
4 **EASTERN DISTRICT OF CALIFORNIA**  
5

6 In re ) Case No. 18-90258-E-7  
7 ANDREAS ABRAMSON, ) Docket Control No. JCW-1  
8 Debtor. ) DATE: October 18, 2018  
9 ) TIME: 10:00 a.m.  
 ) DEPT: E

10 **ORDER FOR ADEQUATE PROTECTION PAYMENTS**  
11 **AND**  
12 **SETTING 10:00 A.M. OCTOBER 18, 2018 STATUS CONFERENCE**

13 The Motion for Relief from the Automatic Stay filed by Deutsche Bank National Trust  
14 Company, as trustee for WaMu Mortgage Pass-Through Certificates Series 2005-AR13 in interest,  
15 serviced by Select Portfolio Servicing, Inc. ("Movant") having been presented to the court; Findings  
16 of Fact and Conclusions of Law being stated in the Civil Minutes for the hearing; upon review of  
17 the pleadings, evidence, arguments of counsel, and good cause appearing,

18 **IT IS ORDERED** that the Debtor shall make monthly Adequate Protection Payments of  
19 \$4,869.07 to Movant, with the first payment for the month of July being made on or before **July 20,**  
20 **2018**, and each monthly payment thereafter being made by the 10<sup>th</sup> day of each subsequent month.

21 **IT IS FURTHER ORDERED** that if any Adequate Protection Payment is not timely made,  
22 Movant may seek a supplemental order (using the Docket Control Number for this Motion)  
23 modifying the automatic stay to allow it to foreclose on the Property and the purchaser to obtain  
24 possession of the property as follows:

25 A. Movant may seek relief from the automatic stay by *ex parte* motion based on  
26 the failure of said timely performance of such condition. The *ex parte* motion shall  
27 be filed using the same Docket Control Number as for this Contested Matter [DCN:  
28 JCW-1]. The court waives the requirement to pay a filing fee for an *ex parte* motion  
for relief from the automatic stay filed by creditor based solely on the failure of the

1 condition stated above.

2 B. If Movant files an *ex parte* motion for such supplemental relief, the court  
3 shall enter an order granting Creditor relief from the automatic stay pursuant to the  
4 above *ex parte* motion if Debtor has not (1) filed an opposition to the *ex parte* motion  
5 which is supported by admissible evidence and served the motion within 10 days of  
6 the date the *ex parte* motion was served and (2) Debtor has set a hearing on the  
7 objection to *ex parte* motion on the court's first available regular law and motion  
8 calendar that is more than twenty days from the date the *ex parte* motion was served.  
9 The court authorizes the hearing to be set on the court's relief from stay calendars  
10 (for any Chapter under the Bankruptcy Code) in the Sacramento Division Courthouse  
11 to ensure that Debtor can set it for the first available date for such a hearing in light  
12 of the limited number of hearing dates available at the Modesto Division Courthouse.

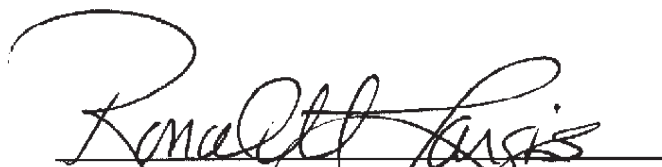
13 If the opposition to the *ex parte* motion is not timely filed and served within  
14 the ten-day period from the service of the *ex parte* motion, or the hearing on the  
15 opposition to the *ex parte* motion is not set for the first available regular law and  
16 motion date more than twenty days after the service of the *ex parte* motion, Creditor  
17 shall lodge with the court a proposed order granting relief from the automatic stay.

18 The *ex parte* provisions for relief from the automatic stay are without  
19 prejudice to Creditor seeking by separate motion relief from the automatic stay for  
20 any grounds other than the failure of the condition for which relief may be requested  
21 by *ex parte* relief.

22 **IT IS FURTHER ORDERED** that the court continues this Contested Matter for a Status  
23 Conference, if necessary, to **10:00 a.m. on October 18, 2018.**

24 **Dated:** July 13, 2018

By the Court

25  
26  
27  
28  
  
Ronald H. Sargis, Judge  
United States Bankruptcy Court

**Instructions to Clerk of Court**  
**Service List - Not Part of Order/Judgment**

**The Clerk of Court is instructed to** send the Order/Judgment or other court generated document transmitted herewith *to the parties below*. The Clerk of Court will send the document via the BNC or, if checked ☐, via the U.S. mail.

Debtor(s)	Attorney for the Debtor(s) (if any)
<b>Bankruptcy Trustee</b> (if appointed in the case)	Office of the U.S. Trustee Robert T. Matsui United States Courthouse 501 I Street, Room 7-500 Sacramento, CA 95814
Select Portfolio Servicing, Inc. Attn: Jennifer Wong McCarthy & Holthus, LLP 1770 Fourth Avenue San Diego, CA 92101	